

FILED

JUN 05 2014

N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

LINDSAY DAVIES, R.N.
License # NR 13187400

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a registered professional nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about November 21, 2013 an inquiry was sent to respondent by certified and regular mail at her address of record requesting information and documents relating to a medical malpractice judgment and to respondent's nursing practice.
3. The certified mailing receipt was signed upon delivery. The regular mailing was not returned. No response was received.

CONCLUSIONS OF LAW

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Respondent's failure to respond to the inquiry concerning continuing education constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2.

Respondent's failure to document completion of continuing education requirements constitutes a violation of N.J.A.C. 13:37-5.3, and subjects respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's indication on her renewal application that she would have timely completed continuing education requirements constitutes misrepresentation in violation of N.J.S.A. 45:1-21(b).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking suspension, reprimand, and civil penalty was entered on November 1, 2013. Copies were served upon respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent timely responded to the Provisional Order of Discipline by providing certificates of completion for ninety hours of continuing education. Twenty-two hours were completed within the June 1, 2008 – May 31, 2010 biennial period. Seven hours

were completed in the June 1, 2010 – May 31, 2012 biennial period. Sixty-one hours were completed in the June 1, 2012 – May 31, 2014 biennial period. Nurses are required to complete thirty hours of continuing education during each biennial period pursuant to N.J.A.C. 13:37-5.3. Respondent failed to complete thirty hours in the June 1, 2008 – May 31, 2010 and June 1, 2010 – May 31, 2012 biennial periods.

The Board reviewed respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as respondent did not dispute the findings of fact or conclusions of law. Inasmuch as respondent cured the deficiency of previous biennial periods by taking thirty-one make-up courses, the Board determined that suspension was no longer warranted. However, the Board determined that respondent's failure to timely complete continuing education for two biennial periods, warrants imposition of a two hundred and fifty dollar (\$250) civil penalty for each biennial period. Additionally, the Board determined that a reprimand was warranted for respondent's untruthful answers on her 2010 and 2012 renewals certifying that she had completed the required continuing education.

ACCORDINGLY, IT IS on this 5th day of June, 2014

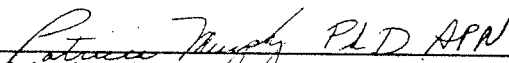
ORDERED that:

1. A public reprimand is hereby imposed for respondent's misrepresentation on two renewal applications as to whether she timely completed her continuing education obligation.

2. A five hundred dollar (\$500) civil penalty is hereby imposed for respondent's failure to timely complete continuing education for two licensing cycles in violation of N.J.A.C. 13:37-5.3. Payment shall be made by certified check or money order payable to "State of New Jersey," delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the date of filing of this Final Order of Discipline. In the event respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By:



Patricia Ann Murphy, PhD, APN
Board President